

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-12 and 14-17 are pending and stand rejected. Claims 1, 14 and 15 have been amended.

Claim 14 is objected to. Applicant thanks the Examiner for his observation and has amended claim 14 to remove the objected to language regarding the reference to claim 1. However, with regard to the reference to the term "apparatus," applicant believes that the term as used provides a context in which the subject matter claimed is applicable. Applicant, accordingly, believes that the claim as amended is in allowable form.

For the amendment to the claim, applicant requests that the objection be withdrawn.

Claims 1-5, 7, and 15-17 stand rejected under 35 USC 103 as being unpatentable over Fisher (USP no. 6, 026,479) in view of Jensen (USP no. 7, 149, 878). In rejecting the claims the Office Action refers to Fisher for disclosing a data processing apparatus comprising instruction memory, an instruction memory system (i.e., the caches are the instruction memory system), and an instruction execution unit arranged to process instruction from an instruction word in parallel. The Office Action acknowledges that Fisher fails to disclose a detection unit. The Office Action refers to Jensen for teaching a detection unit to detect a plurality of ranges in which the instruction address lies.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, in the interest of advancing the prosecution of this matter, the independent claims have been amended to more clearly recite that the memory system includes at least one type of memory selected to achieve a desired instruction cycle time and that longer instruction words are stored in memory within memory ranges of progressively shorter instructions. No new matter has been added. Support for the amendment may be found at least on page 5, lines 6-22 and page 5-line 30-page 6, line 9.

Fisher discloses an apparatus for switching a CPU mode between regions of high instruction and low instruction achieve a desired level of parallelism is in computer

programs. Fisher refers to two memories and a switch to switch between accessing instructions in one memory or the other. Jensen discloses an architecture for changing instruction set by comparison of current instruction execution address with boundary address register values.

In combining the teaching of Fisher and Jensen the Office Action refers to "that it allows for eliminating mode switch instructions [of Fisher] and reducing time consuming interrupts to switch modes."

However, neither Fisher nor Jensen teach or suggest that ordering of longer instructions contained within progressively shorter instructions and that the memory type for storing the instructions is selected to achieve a desired instruction cycle time.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met, 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of the primary references.

For the amendments made to the independent claims and for the remarks made herein, applicant submits that the combination of the references fails to include all the elements recited in the claims. Accordingly, the subject matter recited in each of the independent claims is not render obvious and applicant respectfully requests that the rejection be withdrawn.

Claims 6 and 14 stand rejected under 35 USC 103(a) as being unpatentable over Fisher in view of Jensen and further in view of Lilja. Claim 8-9 stand rejected under 35 USC 103(a) as being unpatentable over Fisher in view of Jensen and further in view of Maiyuran (USPPA 2002/0129201). Claims 10 and 12 stand rejected under 35 USC 103(a) as being unpatentable over Fisher in view of Jensen and further in view Sanches (USPPA 2002/0116596). Claim 11 stands rejected rejected under 35 USC 103(a) as

being unpatentable over Fisher in view of Jensen and Sanches and further in view of Maiyuran.

Each of the aforementioned claims depends from an independent claim, which has been shown to include subject matter not taught or suggested by the primary references (Fisher and Jensen). None of the other references provides any teaching that would correct the deficiency found in the teachings of the primary references to include the subject matter recited in the independent claims. Consequently, the subject matter recited in each of the aforementioned dependent claims is not taught or suggested by the combination of the primary references and the other recited references.

Accordingly, each of the aforementioned claims is not rendered obvious by the prior art references cited, as the combination of the references fails to recite all the elements recited in the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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